

REMARKS

The claims 1-36 were required by the Examiner to be restricted. On October 8, 2004, Applicants provisionally elected to prosecute the claims of Group I (claims 1-26). Applicant's hereby affirms the election of Group I (claims 1-26). The remaining claims (27-36) have been withdrawn.

Claim 19 was objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of claim 1 from which claim 19 depends. Applicants respectfully traverse this objection and request the Examiner to reconsider and remove this 37 CFR 1.75(c) objection. Claim 1 recites "at least one second layer of hard aliphatic polyurethane". The hard aliphatic polyurethane can be any hard aliphatic polyurethane, such as a polyether polyurethane (claim 10), or a polycarbonate polyurethane (claim 19). Claim 19 does further limit claim 1 in that claim 19 is limited to the hard aliphatic polyurethane being a polycarbonate polyurethane. Claim 1 is not limited to a polycarbonate polyurethane. The Examiner is requested to remove the 37 CFR 1.75(c) objection.

Claims 1-23 and 26 were rejected under 37 U.S.C. §102(e) as being anticipated by Wu (U.S. Patent 6,392,002). The claims have now been amended to recite a multilayered tube rather than a multilayered article. The Wu reference is directed to a golf ball made from polyurethane. Wu does not teach nor suggest a tube as is now recited in the amended claims.

Claims 24-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wu. Claims 24-25 have also been amended to recite a multilayered tube and it is believed that the tube is not an obvious extension of a golf ball.

Claims 4-5 and 23 were cancelled as claim 4 is now included in claim 1 and claim 5 and 23 are directed to a film, and thus would be inconsistent with the amended claim 1, now directed to a tube.

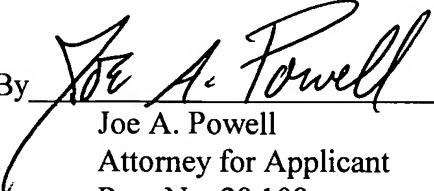
Although only claims 24-25 were rejected under 35 U.S.C. §103(a), Applicants would now like to present arguments that all the remaining amended claims (1-3, 6-22, and 24-26) are unobvious over Wu.

Wu teaches making a golf ball with a center, a cover, and an intermediate layer where all of these layers can be polyurethane.

The polyurethane used in Wu is an aromatic polyurethane rather than an aliphatic polyurethane as used by Applicants. Wu uses para-phenylene diisocyanate (PPDI) as the preferred isocyanate. PPDI is aromatic and thus results in an aromatic polyurethane. Wu lists suitable isocyanates at col. 7, lines 33-45. Only two of the isocyanates listed (IPDI and HMDI) are aliphatic, the rest and the preferred PPDI being aromatic. Applicants' claims are limited to aliphatic polyurethanes to produce the multilayered tube. Also, the tubes of Applicants' invention do not bear any resemblance to the golf balls of Wu. One skilled in the art seeking to make a flexible medical tube having biocompatibility and biostability features would not be likely to consider a polyurethane golf ball patent as containing any helpful teachings.

The amended claims are unobvious over Wu and are not anticipated by Wu. The Examiner is requested to reconsider and allow the amended claims.

Respectfully submitted,

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